

By: Representative Clark

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 127

1 AN ACT TO WAIVE THE COST OF TUITION AT ANY STATE INSTITUTION
 2 OF HIGHER LEARNING FOR CERTAIN FOSTER OR ADOPTED CHILDREN OR WARDS
 3 OF THE STATE, SUBJECT TO CERTAIN CONDITIONS; TO REQUIRE THE
 4 DEPARTMENT OF HUMAN SERVICES, UPON THE REQUEST OF A STATE
 5 INSTITUTION OF HIGHER LEARNING, TO CONFIRM THE ELIGIBILITY OF
 6 THOSE STUDENTS SEEKING TO PARTICIPATE IN THE WAIVER PROGRAM; TO
 7 REQUIRE STUDENTS TO COMPLETE THE FREE APPLICATION FOR FEDERAL
 8 STUDENT AID TO DETERMINE THE LEVEL OF NEED AND ELIGIBILITY FOR
 9 STATE AND FEDERAL FINANCIAL AID PROGRAMS; TO ESTABLISH THE
 10 REQUIREMENTS FOR ELIGIBILITY; TO REQUIRE THE DEPARTMENT AND THE
 11 BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO MAKE
 12 REPORTS TO THE LEGISLATURE ON CERTAIN COMPONENTS OF THE TUITION
 13 WAIVER PROGRAM; TO REQUIRE THE BOARD TO PROMULGATE RULES AND
 14 REGULATIONS NECESSARY FOR THE PROPER ADMINISTRATION OF THE
 15 PROGRAM; AND FOR RELATED PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 **SECTION 1.** The Legislature of the State of Mississippi finds
 18 and declares that it is in the best interest of the state to
 19 support adults who adopt and provide foster care for children in
 20 the custody of the state. The Legislature recognizes that a child
 21 whose care, custody and control has been assumed by the state is a
 22 special ward of the state and faces particular challenges in
 23 pursuing higher education. Because it is the intent of the
 24 Legislature to support adoption, foster parenting and educational



25 advancement, the purpose of this act is to provide postsecondary
26 education advancement opportunities for foster children, adopted
27 children and those who are wards of the state.

28 **SECTION 2.** As used in this act, the following words have the
29 meanings ascribed in the section, unless the context requires
30 otherwise:

31 (a) "Foster child" means a person under the age of
32 twenty-one (21) years who has been placed in the legal custody of
33 the Department of Human Services and who resides in the home of a
34 state certified caregiver.

35 (b) "Adopted child" means a person under the age of
36 twenty-one (21) years for whom all the rights and responsibilities
37 for parenting have been removed from the biological parents and
38 permanently transferred to another.

39 (c) "Ward of the state" means a person under the age of
40 twenty-one (21) years who has been placed in the legal custody of
41 the Department of Human Services for any purposes specified in
42 Sections 43-15-15 and 43-27-101, or who is placed in residential
43 child care.

44 (d) "Tuition" means the charges imposed by a state
45 institution of higher learning for enrollment at the institution,
46 which includes charges for registration and all fees required as a
47 condition of enrollment.

48 (e) "Department" means the Department of Human
49 Services.



50 **SECTION 3.** (1) Tuition and mandatory student fees for any
51 associate degree program of any state institution of higher
52 learning shall be waived for a Mississippi foster or adopted child
53 or ward of the state who is a full-time or part-time student at a
54 state institution of higher learning if the student meets all
55 entrance requirements and maintains academic eligibility with a
56 2.25 cumulative grade point average on a 4.0 scale while enrolled,
57 and if:

58 (a) The student is currently in the custody of the
59 Department of Human Services and has been placed in foster care or
60 residential child care;

61 (b) The student is an adopted child and meets the
62 eligibility criteria of this paragraph and lives outside of
63 Mississippi at the time of application to a state institution of
64 higher learning may apply for the waiver up to the amount of
65 tuition for a Mississippi resident; or

66 (c) The department was the student's legal custodian on
67 his or her twenty-first birthday.

68 (2) Upon request of the state institution of higher
69 learning, the department shall confirm the eligibility status
70 under subsection (1) of this section of students seeking to
71 participate in the waiver program. Release of this information
72 shall not constitute a breach of confidentiality required by
73 Sections 43-21-57 and 43-47-7.



74 (3) The student shall complete the Free Application for
75 Federal Student Aid to determine the level of need and eligibility
76 for state and federal financial aid programs. If the sum of the
77 tuition waiver plus other student financial assistance, except
78 loans and the work study program under 42 USCS Sections 2751
79 through 2756b, from all sources exceeds the student's total cost
80 of attendance, as defined in 20 USCS Section 108711, the tuition
81 waiver shall be reduced by the amount exceeding the total cost of
82 attendance.

83 (4) The student shall be eligible for the tuition waiver:

84 (a) For entrance to the institution for a period of no
85 more than four (4) years after the date of graduation from high
86 school or receipt of a General Education Diploma (GED);

87 (b) For a period of five (5) years after first
88 admittance to any state institution of higher learning if
89 satisfactory progress is achieved or maintained; and

90 (c) For a maximum of one hundred twenty (120)
91 university semester credit hours.

92 (5) The department shall report the number of students
93 participating in the tuition waiver program on January 1 of each
94 year to the Board of Trustees of State Institutions of Higher
95 Learning and to the Legislature.

96 (6) The Board of Trustees of State Institutions of Higher
97 Learning shall report nonidentifying data on graduation rates of



98 students participating in the tuition waiver program by January 1
99 of each year to the Legislature.

100 (7) Nothing in this section shall be construed to:

101 (a) Guarantee acceptance of or entrance into any
102 postsecondary institution for a foster or adopted child or ward of
103 the state;

104 (b) Limit the participation of a student who is a
105 foster child, adopted child or ward of the state in any other
106 program of financial assistance for postsecondary education;

107 (c) Require any state institution of higher learning to
108 waive costs or fees relating to room and board; or

109 (d) Restrict any state institution of higher learning
110 or the department from accessing other sources of financial
111 assistance, except loans, that may be available to a student who
112 is a foster child, adopted child or ward of the state.

113 (8) The Board of Trustees of State Institutions of Higher
114 Learning shall promulgate rules and regulations necessary for the
115 proper administration of the tuition waiver authorized by this
116 section.

117 **SECTION 4.** This act shall take effect and be in force from
118 and after July 1, 2023.

